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Of Attorneys for Defendant  
Randy L L Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

<b>NADIA ROBERTS, an individual,</b>  Plaintiff,  v.  <b>RANDY L L CORPORATION, an Oregon Corporation,</b>  Defendant.	Case No. <b>3:24-CV-00523-JR</b>  <b>DEFENDANT’S CONCISE STATEMENT OF FACTS</b>
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Pursuant to LR 56(a)(2) Defendant provides this concise statement of material facts:

On or about August 8, 2024, Defendant, by and through its counsel, served Defendant’s First Requests for Admission on Plaintiff, via plaintiff’s counsel, pursuant to FRCP 36. A copy of which is attached hereto as Exhibit 1.

FRCP 36(a)(3) provides that “[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer

or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the court.”

Consequently, the deadline for Plaintiff’s response to Defendant’s First Requests for Admission was September 9, 2024. That date passed without any response from Plaintiff.

On September 12, 2024, defense counsel emailed Plaintiff’s counsel advising her that the deadline had expired for Plaintiff’s responses to Defendant’s second and third Requests for Production, first set of Interrogatories and Requests for Admission. Exhibit 2. Defense counsel noted that as a result of the Plaintiff’s failure to respond timely, Plaintiff has waived all objections and the Requests for Admission are deemed admitted.

On September 13, 2024, Plaintiff’s counsel emailed defense counsel stating that “[defense counsel’s] assertions and threats are contrary to Judge Hernandez's ruling and directions set forth at our last hearing. As you are well aware, I only recently heard back from my client. Attached are the Responses to the Requests for Admissions and I will be working on the remaining discovery responses next week.” Exhibit 3. Attached to that email was an untimely response to Defendant’s first Requests for Admission, in which Plaintiff makes bad faith objections to every single request and fails to answer any of Defendants’ Requests. Exhibit 4.

Also on September 13, 2024, defense counsel emailed Plaintiff’s counsel in response, stating in part that “[t]he Court did not stay the deadlines for discovery. You failed to meet the filing deadlines for the Defendant's second and third RFP, RFA and interrogatories. Objections are waived and the RFAs are deemed admitted. That is black letter law. If you could not meet these deadlines, you were required to obtain either my consent to extend the deadlines or an

order of the Court extending the deadlines. You did neither. \* \* \* Further, your untimely responses to the Defendant's RFA would be improper even if they were timely. Your attempt to assert untimely objections and not answer the RFA, continues to illustrate your bad faith engagement in this litigation, which we will be bringing to the Court's attention when we seek sanctions against you.” Exhibit 5.

Defendant’s First Requests for Admission, that are now deemed admitted by Plaintiff by virtue of her failure to serve a timely response, allow for summary judgment. Given those admissions, there are no genuine issues of material fact and Defendant is entitled to judgment as a matter of law.

Dated: September 18, 2024

/s/ Ted Roe  
Ted Roe, OSB No. 991004  
Of Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the foregoing **DEFENDANT'S CONCISE STATEMENT OF FACTS** by:

- ☒ U.S. POSTAL SERVICE
- ☐ U.S. POSTAL SERVICE, CERTIFIED MAIL, RETURN RECEIPT REQUESTED
- ☐ FACSIMILE SERVICE
- ☒ ELECTRONIC MAIL
- ☐ HAND DELIVERY
- ☐ FEDERAL EXPRESS

addressed to the following named individual(s)/business(es) at their last known address(es) on the date stated below:

Jessica Molligan  
Attorney at Law  
PO Box 16893  
Portland, OR 97292  
jessicamolligan@comcast.net

DATED this 18<sup>th</sup> day of September, 2024.

/s/ Ted Roe \_\_\_\_\_  
Ted Roe, OSB No. 991004  
Of Attorney for Defendant